



**MINUTES
STATE BOARD OF NURSING
FULL BOARD MEETING
WEDNESDAY, JANUARY 23, 2008**

MEMBERS PRESENT: SANDRA SUMMERS, RN, PRESIDENT; CANDACE BERARDINELLI, PHD, RN, VICE PRESIDENT; VICTORIA BROERMAN, RN; JUDITH BURKE, RN, NP; PEGGY BUNKE, RN, NP; LISA DAVIS, RN; DENNIS KAW, JD; SHARON PAPPAS, RN, PHD; BETTY WOLFE, LPN

PRESIDING: SANDRA SUMMERS, RN; PRESIDENT

COUNSEL: SUSAN PROSE, ASSISTANT ATTORNEY GENERAL

STAFF: MARK MERRILL, PROGRAM DIRECTOR

1. CONVENE AND ROLL CALL (9:03 A.M.)

Sandra Summers, RN, President, called the meeting to order and conducted a roll call of the Board members present. The Board members present introduced themselves to the audience. Those members not present:

- Carolyn Jefferson-Jenkins, PhD, excused absence
- Dennis Kaw, arrived at 10:38 A.M.
- Toni Gibbons, excused absence

2. ANNUAL ANNOUNCEMENT OF LOCATION FOR BOARD MEETING NOTICES (9:07 A.M.)

Sandra Summers, RN, President, announced the location for all Board meeting notices during the year as the reception area of the Division of Registrations, located on the 13th floor of the Civic Center Plaza building, 1560 Broadway, Denver, Colorado.

3. APPROVAL OF MINUTES (9:09 A.M.)

The Board noted a clarification to page two of the minutes and the correction of other minor typographical errors. Then a Motion was made, seconded, and carried to approve the October 24, 2007 Full Board minutes as amended.

4. PROGRAM DIRECTOR'S REPORT (9:11 A.M.)

Mark Merrill, Program Director, gave a report to the Board regarding the following information and updates:

Director Merrill informed the Board that the Department of Regulatory Agencies decided to cancel the RFP for the Nurse Health Peer Assistance/Alternative to discipline "Intent to Award" that was issued to the Colorado Nurse Health Program. He informed the Board that the decision was based

upon the inadvertent omission in the RFP of information related to new applicants for Registered Nurse and Practical Nurse licensure. Director Merrill also noted that the Board and the Division of Registrations were currently in the process of revising the RFP and reposting to BIDS.

Director Merrill informed the Board of his intent to conduct a Rulemaking Hearing at the April 23, 2008 Full Board meeting to make changes to the *Chapter I – Rules and Regulations for the Licensure of Practical and Professional Nurses*, so that language could be added to the rules that would limit the number of times an applicant for a PN or RN license could take the NCLEX licensing examination within a certain number of years before their application would no longer be valid.

Director Merrill informed the Board that he had begun discussions with interested groups regarding Medication Aide Authority (MAA), specifically regarding the current lack of education programs that can provide the necessary education for taking the required examination for Nurse Aides to be granted the MAA. He also told the Board that as part of his discussions he would be comparing Colorado's curriculum content to the curriculum content published by NCSBN. With the onset of the Sunset legislative review process, Director Merrill indicated that he would be looking for opportunities to revisit the current requirements for MAA and would be discussing with various nursing communities the possibility of providing the MAA training with the ability to matriculate into an LPN program with credit.

Director Merrill informed the Board that he had begun discussions with the various state agencies which employ Psychiatric Technicians (LPTs) to explore their opinions on the possibility of having LPTs with the Mental Illness designation matriculate into LPN programs, and LPTs with Developmental Disorder designations would become CNAs with Medication Aide Authority, with the intent being that these changes would better allow these professionals the opportunity for advancement in the nursing career ladder. Director Merrill indicated he would compile the information from his findings and report back to the Board at a later Full Board meeting.

Director Merrill reported to the Board that he and Board members Candace Berardinelli and Peggy Bunke, along with Board staff member, Linda Metzner, Practice Specialist, and Susan Miller, Healthcare Section Director, participated in discussions with a Board of Medical Examiners (BME) sub-committee regarding the BME *Rule 800 – Delegation to Unlicensed Personnel*. During their discussions, the Board of Nursing group was successful in increasing awareness to the BME regarding nursing statute language related to delegation, delegation of medical functions to nurses, and scope of practice issues. Director Merrill indicated that the BME would consider language in the Nurse Practice Act that would help clarify and avoid confusion with proposed language to this rule regarding delegation and delegated medical functions.

Director Merrill informed the Board that he and President Sandra Summers would be attending the Mid-Year Meeting at the NCSBN which would be held March 3-5 in Chicago and that he would provide a report on the meeting at the next Full Board meeting in April.

Director Merrill informed the Board of two resignations from members of the Nurse Aide Advisory Committee and that he was looking for replacements for the Home Health Care and Department of Public Health and Environment member positions on the committee. He indicated that optimistically those replacements could be found prior to the Full Board meeting in April and asked that he bring those candidates to the Panel meetings in February or March at the latest for approval rather than waiting until the April Full Board Meeting.

Director Merrill informed the Board that all of the applications for PN and RN licensure had been updated and posted to the Board's web site to reflect the necessary changes for the Nurse Licensure Compact and the recent changes to the Chapter I rules.

Director Merrill informed the Board of the staff's successful effort to lessen the backlog of complaint and disciplinary cases. He indicated that staff had researched and corrected over 400 records that had incomplete entries in the current computer system in preparation of the expected conversion to the new computer system.

Director Merrill informed the Board that on January 16, 2008, Nur Rajwany, Director of IT at NCSBN was on site, at his request, to help identify and assist in problem solving for issues with the data being transferred to NCSBN and Nursys® database. Director Merrill indicated that Mr. Rajwany was able to clarify the export issues and work with DORA's IT department to allow a new data download that would provide successful transfer of data to the Nursys® database system.

5. NURSE AIDE TRAINING PROGRAMS REPORTS (9:28 A.M.)

The following decisions made by Shannon St. Hilaire, Nurse Aide Program Inspector, were ratified by the Board:

Active Interim Approval

- 10/06/2007 – Stillwater Executive Institute – Trinidad

Continued Full Approval

- 09/01/2007 – Haxtun Hospital
- 10/30/2007 – Northeastern Junior College Adult
- 10/31/2007 – Lincoln County Hospital
- 12/03/2007 – Eben Ezer Care Center
- 12/04/2007 – Trinidad State Junior College
- 12/11/2007 – Southeast Colorado Hospital and Long Term Care Center
- 12/21/2007 – Accent Learning Systems
- 01/02/2008 – Yampa Valley Medical Center/Doak Walker Care Center

Inactivated Programs

- 10/26/2007 – Morgan Community College – Limon

Closed Programs

- 11/07/2007 – American Association of Aides and Attendants
- 11/07/2007 – American Association of Aides and Attendants – Spanish Speaking
- 12/28/2007 – TLC Education Services

Colorado Department of Public Health and Environment Loss

- 10/01/2007 – Brookside Inn

Suspended Until Compliant

- 10/10/2007 – American Association of Aides and Attendants
- 10/15/2007 – Accent Learning Systems
- 11/09/2007 – CNA Academy
- 12/03/2007 – Front Range Community College – Westminster

Suspension Removed – Program Compliant

- 11/21/2007 – Accent Learning Systems
- 01/02/2008 – Front Range Community College - Westminster

6. NURSE AIDE ADVISORY COMMITTEE REPORTING (9:32 A.M.)

Program Director Merrill proposed providing quarterly statistical reports to the Board during their quarterly Full Board meetings on the cases reviewed and the decisions on licensure and enforcement matters made by the Nurse Aide Advisory Committee during their monthly meetings. Director Merrill presented two report formats which the Board reviewed and agreed upon receiving.

7. RULEMAKING HEARING: CHAPTER XII – RULES AND REGULATIONS FOR IMPAIRED PROFESSIONAL DIVERSION PROGRAM (9:35 A.M.)

At 9:35 A.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony and consider the proposed repeal of the Chapter XII rules.

No written testimony by the public was received and reviewed by the Board prior to the Rulemaking Hearing.

No oral testimony was given by the public during the Rulemaking Hearing.

Staff testimony was given during the hearing from Program Director Merrill and Susan Miller, Health Care Section Director, regarding the proposed effective date for the rules in relation to the approval and implementation of the new Nurse Health Peer Assistance/Alternative to Discipline program contract.

At 9:45 A.M. public testimony was concluded and the public hearing was closed. The Board entered into a work session in order to discuss proposed repeal of the Chapter XII rules.

At 9:46 A.M., after a full opportunity for submission of oral and written comments by the public at the January 23, 2008 Rulemaking Hearing, and after due consideration, a Motion was made, seconded and carried to repeal the Chapter XII rules, including statement of basis, statutory authority and purpose, effective June 1, 2008.

8. SUNSET REVIEW PROCESS PRESENTATION (9:47 A.M.)

Ellen Graham, Policy Analyst, Office of Policy Research and Regulatory Reform for the Department of Regulatory Agencies, presented to the Board the process for the Sunset review of the Nurse Practice Act, Nurse Aide Practice Act, and Licensed Psychiatric Technicians Practice Act. Ms. Graham solicited feedback from the Board regarding issues in nursing and nursing regulation and proposed reform to these practice acts over the course of the Sunset review process.

9. POLICY CHANGES (10:12 A.M.)

1. Proposed Policy 30-08 *Cancellation of Prescriptive Authority for Failure to Provide Current Collaborative Agreement and Requirements for Reinstatement of Prescriptive Authority*. After discussion, a Motion was made, seconded and carried to adopt policy 30-08 as amended.
2. Proposed Policy 60-04 *Calculation of Full-time to Part-time Faculty for Professional and Practical Nursing Education Programs*. After discussion, a Motion was made, seconded and carried to adopt policy 60-04 as amended.
3. Proposed Policy 60-05 *Further Clarification of the Definition of Nursing Education Program*. After discussion, a Motion was made, seconded and carried to adopt policy 60-05 as written.

10. GOVERNOR'S NURSE WORK FORCE AND PATIENT CARE TASK FORCE (10:22 A.M.)

Sharon Pappas, RN and Patty Stewart, RN presented the findings of the Governor initiated Nurse Workforce and Patient Care Task Force to the Board, and requested feedback on several items covered in the task force findings. After discussion, the Board gave its recommendations to Ms. Pappas and Ms. Stewart to be presented in the next phase of the task force.

Dennis Kaw, J.D. arrived at the meeting at 10:38 A.M.

11. RECESS (10:50 A.M.)

The Board took a fifteen minute recess and then reconvened the meeting at 11:06 A.M., at which time Dennis Kaw, JD introduced himself to the audience.

12. MATTERS RELATING TO UNLICENSED PERSONS (11:07 A.M.)

Jennifer Morris, case number 2008-000748. The Board reviewed a Report of Investigation from D'Ann Murphy, Investigator, and supporting documentation. After discussion, a Motion was made, seconded, and carried to issue a Cease and Desist Order.

Gerald Duran, case number 2007-001976. The Board reviewed a Report of Investigation from Cindy Reinhardt, Investigator and supporting documentation. After discussion, a Motion was made, seconded, and carried to issue of a Cease and Desist Order. The case was also referred to the January 24, 2008 Panel B meeting to address matters pertaining to Mr. Duran's CNA certificate.

13. OPEN FORUM (11:16 A.M.)

Testimony was given to the Board by the following:

1. Julia Bronner and Dodie Serafini from National American University addressed the Board regarding their application for Phase II Recognition; and to inform the Board that the program's response to the deficiencies outlined in a letter drafted and sent by Roberta Hills, Nursing Education Specialist, was delivered to the Board of Nursing on the Friday before the Full Board meeting.
2. Rebekah Lynch, Program Director, Denver School of Nursing, informed the Board that DSN would cooperate in correcting the issue of regarding questionable transcripts.

14. QUESTIONABLE OFFICIAL TRANSCRIPTS RECEIVED BY LICENSING FROM NURSING EDUCATION PROGRAMS (11:23 A.M.)

The Board noted a memorandum from Roberta Hills, Nursing Education Specialist, outlining the two instances where the Board received questionable transcripts from two different PN programs in Colorado. After a discussion, a Motion was made, seconded and carried to follow the recommendations outlined in Dr. Hill's memorandum, thus issuing a response letter to one of the schools in question.

15. NURSING EDUCATION REPORTS (11:30 A.M.)

Phase II Applications

National American University – RN ADN program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to deny Phase II Recognition. National American University's response to deficiencies would be reviewed and presented at the April 23, 2008 Full Board meeting.

Phase III Application Site Visits

Northeastern Junior College – Sterling – RN ADN program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to recommend the program address deficiencies by the time they apply for Phase IV Approval (a period not to exceed one calendar year).

Continuing Full Approval – 5 Year Site Visit Reports and Response

Front Range Community College – Larimer Campus – RN ADN program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant Continuing Full Approval pending corrected deficiencies and a timeline of completion, not to exceed one calendar year.

Educational Program Notes

Delta Montrose Technical College – PN program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. The Board noted the corrected deficiencies as outlined in Dr. Hills' memo. Delta Montrose Technical College was granted Continuing Full Approval for five years.

Mile High Academy – Phase I Pending Application. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. The Board noted the corrected deficiencies as outlined in Dr. Hills' memo and the Board noted MHA was advised not to apply for Phase II Recognition until they have been granted national accreditation.

Chamberlain College – PN Program. The Board reviewed and noted a letter of intent to begin the application process for Phase I Recognition for a PN program.

CollegeAmerica – RN ADN Program. The Board noted a letter of response from Roberta Hills, Nursing Education Specialist, to CollegeAmerica regarding the incomplete status of their application for Phase I Recognition for their RN ADN Program.

Colorado Mountain College – RN ADN Program. The Board noted a change in Director of Nursing Education Program (DNEP) position to Maureen Nuckols, MSN who was appointed as Interim Director of Nursing for the college.

Platt College – RN BSN Program. The Board noted a change in Director of Nursing Education Program (DNEP) position to Hollie C. Campanella, RN, MSN, CEN who was appointed as DNEP for the college.

Denver School of Nursing – RN BSN Program. The Board noted the correction from Roberta Hills, Nursing Education Specialist regarding the required amount of teaching experience for the Director of Nursing Education Program (DNEP), Dr. Rebekah Lynch, which had been reported in error in a memo to the Board during the October 24, 2007 Full Board meeting.

16. LUNCH (11:38 A.M.)

The Board recessed for one hour.

17. CLINICAL PLACEMENT PILOT PROJECT REPORT (12:58 P.M.)

Deb Center, RN, MSN, CNS – Project Director, Colorado Center for Nursing Excellence, gave a presentation to the Board regarding the issue of clinical placement in nursing education programs throughout the state. She described the project's goal of creating a measure to promote inter-program cooperation in sharing clinical placement sites, and also creating a resource where nursing students can sign up for clinical nursing sites and preceptors. Ms. Center reported to the Board on the goals and objectives of the project, discussed process of project implementation, as well as the data collected by the project during the last year and half since the project's conception.

18. RECESS (1:50 P.M.)

The Board took a ten minute recess.

19. COLORADO NURSE HEALTH PROGRAM (CNHP) QUARTERLY REPORT (2:06 P.M.)

The Board reviewed a memorandum and supporting documentation from Marjorie Derozier, CNHP Director, regarding statistics of CNHP participants from October 1 through December 31, 2007. The Board noted the findings of the report.

20. OFFICE OF THE ATTORNEY GENERAL QUARTERLY CASE STATISTICS REPORT (2:17 P.M.)

The Board noted the case statistics report from Y. E. Scott, Assistant Attorney General.

There being no further business, the State Board of Nursing adjourned the meeting at 2:18 P.M.

Official copy of minutes with original signature on file with the Board.

Sandra Summers, RN, President
State Board of Nursing